

otherwise limits PCS licensees to a total of 40 MHz of spectrum in a given geographic area. Given the 40 MHz cap that applies to all other PCS participants, the 10 MHz in-market restriction for cellular carriers makes no sense and creates an unnecessary disparity between competitors. If the Commission explicitly permits PCS licensees to partition their operating authority, cellular licensees could and should be permitted to obtain up to 15 MHz within any portion of the PCS band. This in turn would allow cellular carriers to use up to 40 MHz of combined cellular and PCS spectrum.⁵⁰

IV. CONCLUSION

The petitions for reconsideration and clarification demonstrate that the public interest would best be served by eliminating the restriction on cellular eligibility for PCS licensing. The Commission's PCS and competitive goals will most effectively be furthered by permitting cellular carriers to be full participants in the PCS marketplace, able to obtain up to 40 MHz of PCS spectrum in any part of the country in the same manner as any other potential applicant.

In addition to permitting such full competition by cellular carriers, the Commission should clarify its rules to permit the partitioning of PCS operating authority on a

⁵⁰ As explained in the preceding section, McCaw believes the public interest is better served by permitting cellular carriers to obtain up to 40 MHz of PCS spectrum anywhere in the country, just like any other qualified PCS applicant.

geographic and spectrum basis. Such action will facilitate the most effective development of service offerings. In the event the Commission retains its limitations on cellular participation in PCS, the Commission should reconsider its rules to permit cellular carriers to hold up to 15 MHz of PCS spectrum in overlapping service areas, this providing them with a total of 40 MHz of wireless services spectrum. Authorizing the partitioning of PCS operating authority is necessary for implementation of this policy under the current PCS channelization scheme.

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January 3, 1994

Attachment A

Abbreviations for Cited Petitions

Alliance of Rural Area Telephone and Cellular Service Providers

Bell Atlantic: Bell Atlantic Personal Communications, Inc.

BellSouth: BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Cellular Corp.

CTIA: Cellular Telecommunications Industry Association

Columbia Cellular: Columbia Cellular Corporation

Comcast: Comcast Corporation

Florida Cellular: Florida Cellular RSA Limited Partnership

GCI: General Communication, Inc.

GTE: GTE Service Corporation

MCI: MCI Telecommunications Corporation

NYNEX: NYNEX Corporation

PTC: Pacific Telecom Cellular, Inc.

PCS Action: PCS Action, Inc.

PNSC: Personal Network Services Corp.

Point: Point Communications Company

Radiofone: Radiofone, Inc.

Rural Cellular Association

Sprint: Sprint Corporation

TDS: Telephone & Data Systems, Inc.

Time Warner: Time Warner Telecommunications

U.S. Intelco Networks: U.S. Intelco Networks, Inc.

U S West

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of January, 1994, I caused copies of the foregoing "Comments of McCaw Cellular Communications, Inc." to be mailed via first-class postage prepaid mail to the following:

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